

Call to Order:

The meeting was called to order at 7:32 pm. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi, Joan Duff and John McDonnell (arrived at 7:48 pm.); also present was Director of Planning, Paul Materazzo and Planner, Jacki Byerley.

Celestial Circle:

The Board opened the public hearings that were continued from the July 28th meeting on an application by Rayvon Realty Trust for a nine lot Definitive Subdivision Plan, entitled Celestial Circle, and a Special Permit for a Cluster Development and a Special Permit for Earth Movement, located off Sunset Rock Road. On a motion by Ms. Anderson, seconded by Ms. Duff, the Board voted to continue the public hearings until Mr. McDonnell arrived. **Vote** Unanimous (4-0)

Vraj Circle:

Mr. Materazzo reviewed his memo to the Board dated August 18, 2009 and the applicant's request to extend the special permits associated with the definitive subdivision approval. Mr. Materazzo noted that the Board approved the subdivision in 2007, and the plans have not been submitted for recordation; the special permits are due to expire on September 18, 2009. Mr. Patel, the applicant, reviewed his letter to the board dated July 22, 2009 and noted that, due to the economy, he has not been able to get financing for his project. Mr. Materazzo suggested that if the Board were to extend the special permits, Mylar plans and all documents should be submitted for recordation. On a motion by Mr. Chiozzi, seconded by Ms. Anderson, the Board voted to close the discussion for Vraj Circle. **Vote** Unanimous (4-0)

On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to approve the applicant's request to extend the Special Permit for Earth Movement, the Special Permit for Watershed Protection Overlay District, and the Special Permit for Disturbance of Slopes in Excess of 35%, associated with the Vraj Circle subdivision, for two (2) years; this extension expires on August 25, 2011 and is subject to all required documentation being submitted for recordation at the Essex North Registry of Deeds; it must be provided to the Planning Division within 90 days. **Vote** Unanimous (4-0)

Subdivision Rules and Regulations:

Ms. Byerley reviewed her memo to the Board dated August 3, 2009 for proposed revisions to the Subdivision Rules and Regulations for design standards for lanes and courts. She noted this topic will be discussed at an upcoming planning session. The board discussed the proposed changes and questioned if DPW and the Fire Department had reviewed the proposed changes. Ms. Byerley noted that they are not unreceptive to the proposed changes.

Celestial Circle:

The Board opened the public hearings, which were continued from the August 25th meeting, on an application by Rayvon Realty Trust for a nine lot Definitive Subdivision Plan located off Sunset Rock Road, entitled Celestial Circle, and a Special Permit for a Cluster Development and a Special Permit for Earth Movement.

Chairman Salafia reviewed the specific items that would be discussed at this evening's meeting. They were: traffic, plan revisions, easements, sketch plan documentation, open space, IDR/DPW comments, blasting, earth movement, waiver requests and screening.

Celestial Circle (cont.):

Traffic:

Dan Koravos of DK Engineering, representing the applicant, verified that the traffic counts were done on June 9th and June 10th. Mr. Koravos noted that Pike School was in session and school was dismissed at Noon. Mr. Koravos noted the vehicular speed was recorded on June 16 and 17th. “Muddy” Waters, Head of Pike School, noted that school was in session on June 9th. Due to a Noon dismissal, approximately 700 people left the school at about the same time. Ms. Byerley noted that she followed up with the Safety Officer, and he indicated that there have not been any complaints with queuing on Sunset Rock Road since the reconfiguration of Pike School. The Board asked Mr. Waters if he felt the reconfiguration has helped the School’s queuing problems on Sunset Rock Road. Mr. Waters noted that 90% of the time in the morning, traffic has not backed up on Sunset Rock Rd. He did note that queuing can occur in the afternoon, if after school sports are not scheduled. Mr. Waters also stated that they have not had any complaints from the neighbors. Ms. Hunter, an abutter of 30 Sunset Rock Road, noted that queuing is a problem; 4 or 5 cars block both sides of the road in the morning. Several abutters have stated that the queuing on Sunset Rock Road has not been resolved. Mr. Koravos noted the entrance to the subdivision is 165’ from Pike School entrance. The applicant, Ray Cormier, noted his driveway is directly across from Pike School, and he can get in and out of it without difficulty. Mr. Waters said that he is open to suggestions to help with the queuing issues. Mr. Koravos reviewed the right-of-way on Sunset Rock Road and the morning peak hours. Mr. Waters noted that there is never a back up on Sunset Rock Road in the mornings. Attorney Andrew Caffrey, representing an abutter, questioned where the traffic tubes were placed and questioned the accuracy of the peak traffic counts for 8 new homes. Mr. McDonnell questioned how the traffic from the Pike School impacts the intersection of the proposed new roadway and Sunset Rock Road, if the traffic does not go near the intersection. Lynne Hunter, 30 Sunset Rock Road, noted that she can’t get out of her driveway and is concerned with safety due to the traffic congestion.

Plan revisions:

Mr. Koravos reviewed the plan revisions, including the swale to catch basin, spot elevations, and the retaining wall, and noted that the retaining wall would be designed by a structural engineer. Ms. Byerley reviewed her memo to the Board, dated August 7, 2009, and stated that the notations, which are outlined in her memo, still need to be added to the plans. Mr. Koravos distributed a plan to the Board which showed the distances to abutting properties. The Board reviewed the plan and noted, for the benefit of those in attendance, that a copy can be obtained from the Planning Division. The Board also discussed Sunset Rock Road and widening Sunset Rock Road. Mr. Koravos reviewed the Right-of-Way, the swale, the ANR lot and noted the right of way 40’.

Easements:

Attorney Mark Johnson, representing the applicant, reviewed a chart that listed the easements for Celestial Circle and the timing of the easements, which is part of the street acceptance process.

Celestial Circle (cont.):

Conventional “sketch plan”:

Attorney Johnson reviewed his letter to the Board, dated August 1, 2009, outlining his opinion on why the applicant meets the Zoning By-law requirements; he noted that the sketch plan is “used as an aid”. Ms. Byerley reviewed Attorney Urbelis’ letter to the Board dated August 4, 2009 and the purpose of the by-law. She also stated that DPW and the Inspector of Buildings have reviewed the sketch plan, and, based on the Zoning By-law, the Subdivision Rules and Regulations and the slopes requirements, have determined that 9 lots can be built. Paul Floyd an abutter questioned if it’s a mathematical formula. Ms. Byerley noted that, based on the sketch plan, the subdivision meets the frontage and lot size requirements of the Zoning By-law. Chairman Salafia reviewed the cluster development requirements. Mr. Floyd noted that he has looked the subdivision plan and the sketch plan; he noted the plan shows houses in the wetlands and then asked what the value of the sketch plan is. Mr. McDonnell reviewed the plan and noted that the plan does not show any houses in the wetlands. Mr. Koravos noted that there are no houses in the wetlands and that the plan meets all zoning requirements. Denise Johnson, 17 Sunset Rock Road, noted that previous applications submitted should be taken into consideration because the last plan had only 8 lots. Chairman Salafia noted the Board can only review what is before the Board - not previous submissions. Ms. Byerley reviewed her memo to the Board, which included comments from the Inspector of Buildings. Ms. Byerley noted that the Inspector of Buildings reviewed the sketch plan and indicated that 9 lots can be built, according to the zoning by-law. Attorney Caffrey stated he does not disagree with Attorney Johnson’s letter but noted that, in his opinion, the proposed plan does not benefit the town. Mr. Koravos reviewed the lot areas for lots 1, 2, 3, 8, and 9 and noted the lots exceed the minimum lot area for a conventional subdivision

Open Space:

Attorney Mark Johnson reviewed his letter to the Board, dated August 7, 2009, and noted that the applicant wants input from the Conservation Commission before they finalize ownership of the open space.

Blasting:

Attorney Johnson reviewed a handout from the Fire Department on blasting. Ms. Byerley explained that a fact sheet for Massachusetts Property Owners was available regarding blasting. John Cronin, an abutter, expressed concerned regarding blasting. Mr. Koravos noted there will be blasting for the roadway, utilities and some foundations. Ms. Hunter expressed concern over the amount of blasting that would be needed on the current plan.

Chairman Salafia suggested continuing the discussion for earth movement, waiver requests and screening to the Sept. 8th meeting. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the three public hearings for Celestial Circle until September 8th at 8:30 pm to discuss the remaining items from the August 25th meeting, along with drainage and any remaining items to the September 22nd meeting at 7:30 pm. **Vote** Unanimous (5-0)

8 Acorn Drive:

The Board opened the discussion on an application by Fieldstone Meadows Development Corp. for a proposed 3-lot preliminary subdivision plan entitled 8 Acorn Drive. Chairman Salafia

Acorn Drive (cont.):

reviewed the preliminary plan process. William MacLeod of Andover Consultants Inc., representing the applicant and co-applicant, gave an overview of the proposed location, zoning district and cul-de-sac. He also noted that the decision was made after the IDR to take the low impact development proposal off the table. Mr. Macleod reviewed the utilities, the landscape island and noted the subdivision can fully comply with zoning. The Board questioned why the applicant is taking the low impact development off the table. Mr. MacLeod noted it was due to Fire Department's concern for the fire apparatus. Ms. Byerley noted the fire department requested that

any reduced pavement be a minimum width of 20' and that the plan demonstrates it can meet the turning template of the fire apparatus. The applicant also expressed concern that the homeowners would be responsible for snow plowing and trash pick-up if the roadway was private. Mr. Macleod noted that the subdivision is more marketable as a public way. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to close the discussion on an application by Fieldstone Meadows Development Corp. for a proposed 3-lot preliminary subdivision plan entitled 8 Acorn Drive. **Vote** Unanimous (5-0)

Raytheon:

The Board opened the public hearing, which was continued from the July 14th meeting, on an application by Raytheon for a Special Permit for a Major Non-Residential project to allow for an addition/expansion of 17,500 s.f. to the existing facility. Paul Finger, of Paul Finger Associates, representing the applicant, gave an overview of the drainage calculations he submitted to DPW and noted that the runoff will be reduced post development. William Cummings, Manager Facilities Engineering, representing Raytheon, noted that the noise the neighbors were hearing was late night deliveries of liquid nitrogen and that Raytheon will no longer accept deliveries made after 7 PM. On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the board voted to close the public hearing on an application by Raytheon for a Special Permit for a Major Non-Residential project to allow for an addition/expansion of 17,500 s.f. to the existing facility. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the board voted to approve the application by Raytheon for a Special Permit for a Major Non-Residential project to allow for an addition/expansion of 17,500 s.f. to the existing facility, subject to the fourteen (14) conditions outlined in Ms. Byerley's memo to the Board, dated August 6, 2009. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to reopen the public hearing to allow Stephen Boudreau, an abutter at 401 Lowell Street, address the Board. **Vote** Unanimous (5-0). Mr. Boudreau expressed his concern with noise and traffic going in and out of the site. He stated that traffic safety was improved when a public safety officer was on site.

Chairman Salafia noted that the Board would forward his comments to the public safety officer.

On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to close the public hearing on an application by Raytheon for a Special Permit for a Major Non-Residential project to allow for an addition/expansion of 17,500 s.f. to the existing facility. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to reaffirm their previous vote to approve the special permit. **Vote** Unanimous (5-0)

Sale Tax Title Land:

Mr. Materazzo reviewed the previous meeting (Planning Board Meeting?) and comments from Town Counsel, dated August 11, 2009. Ms. Anderson reviewed a draft condition for the Board and noted that she felt that there were 3 parcels that are appropriate for affordable housing. Mr. Materazzo noted the lots could be used for affordable housing or historic preservation and that the Board is being asked for an

Sale Tax Title Land (cont.):

advisory report. The Board discussed their options and what is important to them. Ms. Duff noted that the town is below 10% threshold and feels adding more affordable housing is important to her and to the town.

The Board reached consensus that the best use for three (3) properties, which are 2 Pepperidge Circle, 98 Andover Street and 20 Iron Gate Drive would be for the construction of single family affordable housing. On a motion by Ms Anderson, seconded by Mr. Chiozzi, the Board voted to forward the letter, which was drafted at the meeting, to the Board of Selectmen. **Vote (4-0-1):** Mr. Salafia, Ms. Anderson, Mr. Chiozzi and Ms. Duff voting yes and Mr. McDonnell abstained from voting.

ACCV & The Legends I & II:

The Board took up the deliberations on an applications submitted by CA Investment Trust for a Modification of a Definitive Subdivision Plan, a Modification of a Special Permit to Cluster and a Modification for a Special Permit for Earth Movement, entitled Andover Country Club Section V; a Modification of a Special Permit for New Multi-Family Dwelling – Attached Cluster, a Modification of Special Permit for Earth Movement, entitled Legends Phase I; and a Modification of a Special Permit for New Multi-Family - Attached Cluster, entitled Legends Phase II. On a motion by Mr. McDonnell, seconded by Ms. Duff, the Board voted to approve applications submitted by CA Investment Trust for a Modification of a Definitive Subdivision Plan, a Modification of a Special Permit to Cluster and a Modification for a Special Permit for Earth Movement, entitled Andover Country Club Section V; a Modification of a Special Permit for New Multi-Family Dwelling – Attached Cluster, a Modification of Special Permit for Earth Movement, entitled Legends Phase I; and a Modification of a Special Permit for New Multi-Family - Attached Cluster, entitled Legends Phase II subject to the conditions outlined in Ms. Byerely's memo to the Board dated July 31, 2009. **Vote** Unanimous (5-0)

Minutes:

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to approve the minutes for June 23rd, July 14th, and July 28, 2009 as amended. **Vote** Unanimous (5-0)

Adjournment: The Board voted to adjourn the meeting at 10:06 p.m.